

**Qwest.**

*Spirit of Service*

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**ORIGINAL**

May 1, 2003

EX PARTE OR LATE FILED

**REDACTED – FOR PUBLIC DISCLOSURE**

**EX PARTE**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**RECEIVED**

MAY - 1 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: WC Docket No. 03-90 – Application by Qwest Communications International Inc. for Authority to Provide In-Region InterLATA Services in the State of Minnesota**

Dear Ms. Dortch:

Yesterday, representatives of Qwest Communications International Inc. ("Qwest") met with Commission staff to preview the reply comments Qwest plans to file in the above-referenced proceeding and to respond to recent claims made by AT&T in connection with billing issues and reject rates.<sup>1</sup> Today, Qwest participated in a similar meeting with Department of Justice ("DoJ") staff.<sup>2</sup>

In previewing the reply comments Qwest intends to file in this proceeding, Qwest addressed issues raised in this docket regarding interconnection trunking, commercial performance for PIDs MR-7 and MR-8, the Performance Assurance Plan in Minnesota, and public interest issues. Qwest also discussed OSS matters, including flow-through rates, manual handling of service orders, billing completion notices, and the issues raised by AT&T regarding

<sup>1</sup> See AT&T Ex Parte, WC Docket No. 03-90, April 30, 2003 ("AT&T April 30 Ex Parte"); AT&T Ex Parte, WC Docket No. 03-90, April 29, 2003 ("AT&T April 29 Ex Parte"). Representing Qwest at the meeting with Commission staff were (either in person or via conference call) Andy Crain, Tom Freeberg, Loretta Huff, Todd Lundy, Melissa Newman, Barry Orrel, Jeff Owens, Dan Poole, Jason Topp and Chris Viveros of Qwest, and Linda Oliver and Peter Rohrbach of Hogan & Hartson. Commission staff present at the meeting included John Adams, Bob Bentley, Ben Childers, Gail Cohen, Kim Cook, Bill Dever, Douglas Galb, Ken Lynch, Cathy O'Neill, Dina Shetler, Christi Shewman and Jeff Tignor.

<sup>2</sup> Representing Qwest at the meeting with DoJ staff were (either in person or via conference call) Loretta Huff, Todd Lundy, Melissa Newman, Dan Poole, and Yaron Dori and Peter Rohrbach of Hogan & Hartson. DoJ staff present at the meeting included Katherine Brown, Lauren Fishbein, Peter Gray, Joyce Hundley and Ryan Harsch.

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Qwest's BOS bills and reject rates.<sup>3</sup> Qwest discussed many of these same issues with DoJ staff, and also discussed the order issued recently by the Minnesota Public Utilities Commission regarding unfiled agreements.<sup>4</sup> At both meetings, Qwest reported on the status of its investigation into AT&T's BOS billing claims and indicated that it plans to address those claims in its reply comments. Qwest also responded to the claims made in AT&T's April 29 and April 30 *ex parte* filings regarding reject rates. Qwest's response to AT&T's reject rate-related claims is discussed more fully below.

AT&T's April 29 and April 30 *ex parte* submissions generally repeat the assertions made in AT&T's initial comments that Qwest's reject rates for LSRs submitted via EDI are too high.<sup>5</sup> The majority of these claims, in turn, merely repeat arguments that AT&T made in Qwest IV.<sup>6</sup> Qwest responded fully to these arguments in the Qwest IV proceeding, and they did not prevent the FCC from concluding at that time that Qwest meets the requirements of Section 271.

In its April 29 and April 30 filings, AT&T also criticizes the data Qwest included in its April 22A Ex Parte regarding reject rates under PID PO-4B-2, and criticizes Qwest for the increase in the aggregate CLEC reject rate in March.<sup>7</sup> Qwest responded specifically to these two claims in its meetings with Commission and DoJ staff and reiterates its responses here.

AT&T claims that the explanations Qwest previously provided regarding increases in the aggregate January and February reject rates are inconsistent with information Qwest provided in its initial OSS Declaration and the confidential attachment that accompanied

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<sup>3</sup> See generally AT&T April 30 Ex Parte; AT&T April 29 Ex Parte.

<sup>4</sup> See *In the Matter of the Complaint of the Minnesota Department of Commerce Against Qwest Corporation Regarding Unfiled Agreements*, Docket No. P-421/C-02-197, *Order After Reconsideration on Own Motion*, April 30, 2003, available at [www.puc.state.mn.us/docs/orders/03-0050.pdf](http://www.puc.state.mn.us/docs/orders/03-0050.pdf).

<sup>5</sup> See AT&T April 30 Ex Parte at 1-2; AT&T April 29 Ex Parte at 2-4; AT&T Comments, WC Docket No. 03-90, April 17, 2003, at 3-4.

<sup>6</sup> See, e.g., AT&T Ex Parte, WC Docket No. 03-11, April 10, 2003, as modified by AT&T Ex Parte, WC Docket No. 03-11, April 11, 2003.

<sup>7</sup> See *Application by Qwest Communications International Inc. for Authorization to Provide In-Region, InterLATA Services in New Mexico, Oregon and South Dakota*, WC Docket No. 03-11, *Memorandum Opinion and Order*, FCC 03-81, April 15, 2003, at ¶¶ 55-62. See also Qwest April 11B Ex Parte, WC Docket No. 03-11, April 11, 2003.

<sup>8</sup> See AT&T April 30 Ex Parte at 1-2. See also AT&T April 29 Ex Parte at 3-4. In its April 29 and April 30 *ex parte* filings, AT&T tries to make much of the fact that the paper version of Confidential Attachment A to Qwest's April 22A Ex Parte, which is what CLECs receive when they request confidential data under the Protective Order in this proceeding, did not include data that was accessible, though not visible, in the electronic version of the attachment. As explained in a recent Qwest *ex parte* filing, this was an inadvertent oversight that occurred when Qwest filed this document. See Qwest April 30B, 2003, Ex Parte, WC Docket No. 03-90. Soon after Qwest realized that the paper version of Confidential Attachment A, as filed, did not reflect all of the data that was accessible in the electronic version, Qwest contacted the two parties that requested this information and provided them with an electronic version. Qwest also re-filed a complete paper version of Confidential Attachment A to ensure that the record in this proceeding is complete. See *id.*

Qwest's April 22A Ex Parte regarding reject rates under PO-4B-2. Specifically, in its April 29 Ex Parte, AT&T states that Qwest's April 22A Ex Parte attributes roughly 30,000 LSR rejects to a particular CLEC ([\*\*\* \*\*\*]), but that the CLEC in question is "not even mentioned in" Exhibit LN-OSS-53, which identifies the CLECs that submitted LSRs via IMA-EDI in January 2003 as well as the number of LSRs they submitted.<sup>9</sup> In its April 30 Ex Parte, AT&T reiterates this statement but this time criticizes the confidential attachment that accompanied Qwest's April 22A Ex Parte as "not list[ing] any [of these 30,000] orders as having been submitted by that particular CLEC."<sup>10</sup>

The 30,000 rejects in question are indeed attributable to the single CLEC Qwest identified in its April 22A Ex Parte. The reason these requests were rejected was because the CLEC mistakenly submitted them using its ACNA, rather than its RSID.<sup>11</sup> As a result, Qwest's reporting mechanism included these requests in an "Unknown" category. This is why Exhibit LN-OSS-53 did not include the CLEC in question, and why Confidential Attachment A to Qwest's April 22A Ex Parte did not associate these 30,000 rejects with that CLEC but instead listed them in as "Unknown."<sup>12</sup>

AT&T criticizes Qwest because CLEC reject rates in the aggregate increased to 49.16% in March under PO-4B-2.<sup>13</sup> This increase is explained by examining CLEC-specific data. From February to March, the volume of LSRs submitted via EDI by a particular CLEC ([\*\*\* \*\*]) more than doubled from [\*\*\* \*\*] to [\*\*\* \*\*]. This CLEC's reject volume increased proportionally from [\*\*\* \*\*] to [\*\*\* \*\*], and accounted for [\*\*\* \*\*] of all CLEC rejects in March. The evidence does not support AT&T's allegation that the increase in Qwest's aggregate reject rate in March had to do with Qwest's ability to handle large volumes of LSRs. It demonstrates only that this particular CLEC had difficulties implementing its side of the OSS interface.<sup>14</sup> When one excludes the LSRs submitted by this CLEC in March, Qwest's overall reject rate under PO-4B-2 is 29.92%, a figure well within the range the FCC has previously found acceptable in other Section 271 proceedings.<sup>15</sup>

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<sup>9</sup> See AT&T April 29 Ex Parte at 4.

<sup>10</sup> See AT&T April 30 Ex Parte at 2.

<sup>11</sup> The ACNA is a three-letter code that it used to identify carriers for purposes of access charges. The RSID is a three character alpha-numeric code that is used by Qwest to identify CLECs for purposes of local exchange service.

<sup>12</sup> The CLEC in question submits only [\*\*\* \*\*] requests to Qwest through its EDI interface. Ordinarily, these requests are not included in PO-4B results. Because the requests submitted in January by the CLEC in question were rejected immediately due to invalid CLEC identifiers, these requests never reached the product edit level that was designed to exclude them from PO-4B results. These rejects therefore were included in Qwest's January 2003 performance results under PO-4B.

<sup>13</sup> See AT&T April 29 Ex Parte at 3-4.

<sup>14</sup> Qwest suspects that the increase in reject volumes in March for this CLEC may have been caused in part by the fact that this CLEC was resubmitting the same rejected LSRs multiple times, perhaps in an effort to correct its EDI interface. Qwest is investigating this issue further but believes that the existence of multiple LSRs from this CLEC with the same Purchase Order Number supports this possibility.

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Moreover, it is Qwest's understanding that this CLEC's revisions to its own side of the OSS interface in late March has resulted in a substantial reduction in its reject rate level.

The twenty-page limit does not apply to this filing. Please contact the undersigned if you have any questions concerning this submission.

Respectfully submitted,

/s/

Melissa Newman

cc: G. Cohen  
J. Myles  
G. Remondino  
R. Harsch  
B. Harr

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<sup>15</sup> See, e.g., *Application by Qwest Communications International Inc. for Authorization to Provide In-Region, InterLATA Services in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming*, WC Docket No. 02-314, *Memorandum Opinion and Order*, FCC 02-332, December 23, 2002, at ¶ 89, n.316, citing *Bell Atlantic New York 271 Order*, 15 FCC Rcd 3953, 4044, n.552 (1999).